E-FILED 2022 MAY 02 11:27 AM LINN - CLERK OF DISTRICT COURT

# IN THE IOWA DISTRICT COURT, IN AND FOR LINN COUNTY

| | | |
|---|---|---|
| | * | |
| | * | FECR144418 |
| STATE OF IOWA, | * | |
| Plaintiff, | * | |
| vs. | * | Minutes of Testimony |
| Leo Wilson Bushnell | * | |
| Defendant, | * | |

The following witnesses are expected to testify on behalf of the State of Iowa substantially as set out below. The witnesses may testify as to additional facts and circumstances surrounding the events described herein. The witnesses will testify as to all things said or done by defendant in their presence.

JARED JUPIN, Cedar Rapids Police Department
Officer Jupin will testify that on March 23, 2022 he received a page regarding the execution of the high-risk search warrant to be executed at 1503 2nd Ave. SE. apartment a Cedar Rapids, Linn County, Iowa. The search warrant was in regard to a male identified as Leo Bushnell, the defendant herein, who was alleged to have committed criminal mischief to a neighbor's window via shooting it with a pellet gun as well as officers that were already on scene reporting that the defendant had possibly shot at them as well with this pellet gun.

Officer Jupin will testify that he was assigned as the contact officer along with Investigator Hicks as his cover officer. This witness will testify regarding the procedure used in the attempt to make contact with the defendant and will testify that ultimately police officers had to breach the door. Upon entering the apartment, Officer Jupin was met with a male, later identified as the defendant, who crouched along the portion of the wall that he could not see and fired at Officer Jupin with a long black rifle. Officer Jupin will testify that he was struck in the thumb pad on his right hand and was able to immediately determine that the gun was a pellet gun and not a firearm. Officer Jupin will testify that the pellet made a small red abrasion on his hand which was photographed, submitted as evidence, and will be introduced at trial.

Officer Jupin will testify to what steps were taken after he was shot in the finger. He will testify that ultimately he entered back into the defendant's apartment and the defendant shot him again, this time in the vest area. Officer Jupin will testify that he deployed a Taser and immediately rush the defendant, pinning him to the back of the closet with his shield and body weight behind it while investigator Hicks was able to gather the defendant's hands and gain control over him.

TYLER RICHARDSON, TIMOTHY BROWN, Cedar Rapids Police Department

JAIME RHODES, 216 15th St. SE. Cedar Rapids, IA
These witnesses will testify that on March 23, 2022, at approximately 1130 hrs., they were dispatched to 216 15th St. SE. Cedar Rapids, Linn County, Iowa for report of a criminal mischief. Upon arrival, they made contact with Jaime Rhodes. Rhodes was able to direct these witnesses to the north side of her house where most of her windows had been shot by a pellet gun. Rhodes was able to show these officers a piece of metal that appeared to be a flattened air rifle pellet. All of the windows face towards 1503 2nd Ave. SE. where Cedar Rapids police officers had been having ongoing incidents with an air rifle.

Officer Richardson and Officer Brown will testify that they were familiar with Leo Bushnell, the defendant herein. These witnesses will testify how they became familiar with the defendant and how they came to associate the defendant with an air soft rifle.

Officer Richardson will testify that he photographed the damage that was done to Rhodes's windows and those photographs will be introduced at trial. Officer Richardson will testify that several of the windows were double pained in the damage to the two windows was offset which showed him the angle that the projectile had taken to enter through the windows. That was also photographed. This witness will also testify and explain that the damage to the windows lined up with the three lower windows at 1503 2nd Ave. SE Apartment A, which belongs to the defendant.

Officer Richardson will testify that he contacted his commanding officer and advised that he wanted to obtain a warrant. He was instructed then to photograph the outside of the victim's residence as well as the outside of the defendant's residence. While photographing, Officer Brown came out of the victim's residence and these officers heard a round being fired off from the defendant's home. Officer Brown will testify that the pellet that was shot past just over or near his head and impacted somewhere behind him. At that time, Officer Richardson ran to the front of 1503 2nd Ave. and forced entry moving into the stairwell.

These witnesses will testify that they radioed for backup and backup did arrived. A search warrant was obtained and executed with the assistance of the special response team and the defendant was taken into custody. Officer Richardson will testify that he did ride with the defendant to the hospital as he had a Taser probe in his arm. Officer Richardson will testify that while at the hospital a pellet fell out of the defendant's clothing onto the floor. That pellet was collected as evidence and turned in.

Rhodes will testify that the damage under her windows was greater than $1500.

JUSTIN KACZINSKI, WESTON WERY, MITCHELL SHEELY, ERNEST MERRIWEATHER, Cedar Rapids Police Department
These witnesses will testify that they responded to 1503 2nd Ave., Cedar Rapids, Linn County, Iowa on March 23 of 2022. These witnesses will testify that they held a

perimeter for the incident until SR T arrived on scene at approximately 1457 hrs. These witnesses will testify that after SRT took Leo Bushnell, the defendant herein, into custody and after SRT vacated the property these witnesses stayed on scene and logged evidence.

These witnesses will testify that evidence was marked with numbered evidence tense, photographed, and collected. These witnesses will testify that they retrieve three rifle styled BB and pellet guns, several counts of BBs, and other pellet and BB gun related contraband. These witnesses will testify that there was a one hitter metal pipe, a dugout, and able located in the living room. All of these items of paraphernalia smell like marijuana.

These witnesses will testify that during the search they located some clear liquid in a bottle located in a Pringles can that had a WIC and a close lid on the top. It was determined by Cedar Rapids police officers that this contraption was a Molotov cocktail. There was also a clear two liter bottle with a clear liquid in a powdery substance that was located on a windowsill shelf in a back bedroom area of the apartment. The two liter bottle was taped over with duct tape. In the kitchen, there were eight spam cans that also contained a clear liquid. And there was a can of true fuel located under the kitchen sink. The true fuel was believed to be the liquid used in the Molotov cocktail. Officer Merriweather and Sergeant Jabens, both members of the bomb squad team, were called to the scene to address the items found that were explosive in nature.

PAUL KOENIG, Cedar Rapids Fire Department
This witness will testify that he is an investigator with the Cedar Rapids Fire Department. This witness will testify regarding his training and experience as a fire investigator as well as the fact that he is a certified peace officer and works in a dual capacity. This witness will testify that he became involved in the investigation regarding Leo Bush now, the defendant herein. This witness will testify that he took possession of the Molotov cocktail, WIC and fluid that was recovered from the defendant's home and that he sent those items to the Iowa DC I'll laboratory to be tested. This witness will testify regarding the steps and procedures to seal and secure those items and will testify regarding the results that he received, specifically, that the liquid in the Molotov cocktail was a flammable substance.

LEO WILSON BUSHNELL
FECR144418
MCS: mcs

State of Iowa Courts

**Type:** Review of Minutes of Testimony

| **Case Number** | **Case Title** |
|---|---|
| FECR144418 | STATE OF IOWA VS BUSHNELL, LEO WILSON |

The foregoing Minutes of Testimony were reviewed in connection with the approval of the accompanying Trial Information.

So Ordered

Kevin McKeever, District Court Judge,
Sixth Judicial District of Iowa